



October 15, 2015

[SB 416](#) (Flores), is the Senate Utility Relocation Bill and will be considered by the Senate Community Affairs Committee on Tuesday, October 20, 2015 at 12:30 p.m.

SB 416 (Flores) requires local governments to bear the costs of utility equipment relocation if the equipment is located within the right-of-way and needs to be relocated for a non-transportation purpose. If the relocation of utility equipment is required as a condition or result of a project by an entity (i.e. a new supermarket or superstore) other than the local government with authority over the right-of-way, the entity must bear the cost of relocating utility equipment. However, if the relocation would otherwise be required in connection with a transportation improvement project identified in the local government's five year capital improvement plan then the local government would bear the relocation costs.

In addition, the bill prohibits local governments from requiring utilities to pay the costs of equipment relocation unless the utilities are in a "right-of-way," as opposed to the current requirement for utility relocations occurring "upon, over, under or along" a roadway. "Along" is the operative word as generally public utility easements are located alongside the right-of-way. As a result, the bill requires local governments, and not the utilities, to bear the cost of relocating a utility's equipment if such equipment is located within a public utility easement.

ACTION: Please contact members of the Senate Community Affairs Committee and urge them to OPPOSE SB 416!

Please Oppose SB 416 because:

- If local governments are required to bear the cost of relocation, it would dramatically and negatively affect them by transferring the costs of utility relocations from the utility provider to local government taxpayers instead of the actual users of the utilities, thereby further burdening local government and its taxpayers. (In many cases the utility equipment that needs to be relocated does not service the constituent taxpayers of that municipality or county, but services a neighboring municipality or county.)
- In addition, the expense of relocating a utility's equipment in the public easement, or for non-transportation purposes within the right of way, will greatly increase the costs

of completing transportation projects at a time when local governments continue to struggle with funding for such projects.

- For more than 100 years, state law has provided local government with the authority to require non-government utilities to pay the costs associated with relocating their utility equipment out of public rights of way and public utility easements to accommodate public construction projects, such as road improvement projects and other non-transportation public projects (e.g., a water or wastewater line needs maintenance and, as a result, utility equipment needed to be relocated).
- Local governments control public utility easements and public rights of way and access is provided to utilities as a permissive use. Based on this and more than 100 years of common law, the utility is required to pay the costs to relocate its equipment whenever relocation is in the public interest.

Please contact members of the Senate Community Affairs Committee and urge them to Oppose SB 416. Senators will be traveling to Tallahassee on Monday, Oct. 19. Below is contact information for their district and Tallahassee offices.

Senate Community Affairs Committee – Oppose SB 416

<u>Senator</u>	<u>Dist. Ph.</u>	<u>Tlh. Ph.</u>	<u>E-mail:</u>
Wilton Simpson, Chr. (R-18)	(727) 816-1120	(850) 487-5018	simpson.wilton@flsenate.gov
Jeff Brandes, V. Chr (R-22)	(727) 563-2100	(850) 487-5022	brandes.jeff@flsenate.gov
Joseph Abruzzo (D-25)	(561) 791-4774	(850) 487-5025	abruzzo.joseph@flsenate.gov
Rob Bradley (R-7)	(904) 278-2085	(850) 487-5007	bradley.rob@flsenate.gov
Charlie Dean (R-5)	(352) 860-5175	(850) 487-5005	dean.charles@flsenate.gov
Miguel Diaz de la Portilla (R-40)	(305) 643-7200	(850) 487-5040	portilla.miguel@flsenate.gov
Travis Hutson (R-6)	(386) 446-7610	(850) 487-5006	hutson.travis@flsenate.gov
Geraldine Thompson (D-12)	(407) 245-1511	(850) 487-5012	thompson.geraldine@flsenate.gov

You can also use the League's advocacy tool [Capitol Connection](#) to e-mail members of the Committee.

Should you have any questions or require additional information, please contact Megan Sirjane-Samples at msirjanesamples@flcities.com or 561-352-3388 (cell).

Thank you for your advocacy efforts.